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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,922	08/24/2001	Michael A. Griffiths	36968/254718	3489
36192	7590	11/23/2004	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			TAYLOR, BARRY W	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,922

Applicant(s)

GRIFFITHS, MICHAEL A.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,754,634 hereinafter Kay) in view of Jagadish et al (6,058,170 hereinafter Jagadish 1) and Jagadish et al (6,125,173 hereinafter Jagadish 2) further in view of Staskal et al (Pub. No.: US 2003/0045266 hereinafter Staskal).

Regarding claims 1, 14-15, 29-30 and 34-35. Kay teaches an intelligent switched telephone network (abstract) having a plurality of Advanced Intelligent Network (AIN) components (col. 2 lines 45-67, columns 3-7), a method for providing usage pattern for a customer of a telecommunications systems (see usage patterns in figures 6A-6C), the usage pattern providing historical information concerning the customer's use of the telecommunications systems.

Kay does not explicitly show receiving a query from customer using a computer device whereby the customer uses the computer device to access usage pattern.

Jagadish 1 (i.e. 6,058,170) allows for online access to summary information (see last line of abstract) and the display information depends on the plans the customer

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subscribes and even provides "Snapshot" summaries which provide the current status of the customer's account including the number of minutes of calls that the customer has made during a particular plan (i.e. calls made between 5:00pm and 9:00am receive a 10% discount). Jagadish 1 further shows summary information based upon the number of call minutes since the last bill, total cost of the calls made on a particular day, or each day, during the billing period, the total cost of calls made to each of a given set of numbers, area codes, etc. Jagadish even discloses adjusting charges for past calls to reflect certain types of billing plans.

Jagadish 2 (i.e. 6,125,173) discloses using actual and exemplary customer information instead of only using exemplary as argued by Applicant's. Jagadish not only displays the price according to particular billing plan but also provides and exemplary summary information enabling the user to keep the current plan (see col. 6 lines 39-40 wherein \$3.15 has been saved by using current billing plan) or switch to a plan that offers better savings (see col. 6 lines 26-29 wherein user would have saved \$2.07 if the subscriber selected calling plan A).

According to Applicant's newly amended claim language, Kay in view of Jagadish fail to teach "displaying unused minutes remaining in the predetermined billing plan on the computer device to control the use of the telecommunications system based on the unused minutes", see amendment to independent claims, paper number 13, Request for Continued Examination, dated 2/27/04.

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Staskal teaches determining a communication time remaining to be displayed on a display of a device (abstract). Staskal teaches the service provider determines the communication time remaining and transmits the time remaining to the device for display and/or for alerting the user of some condition (paragraph 0022). The time remaining is displayed visually and may be displayed continuously or in response to a request by user (paragraph 0025).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the method and system as taught by Kay in view of Jagadish 1 and Jagadish 2 to notify the subscriber as taught by Staskal so that the customer may acquire communication time remaining on a continuous basis as taught by Staskal.

Regarding claim 2. Kay teaches using Advanced Intelligent Network and Integrated Service Control Point (col. 2 line 45 – col. 3 line 30).

Regarding claim 3. Kay teaches usage pattern comprises at least the number of calls received by the customer (see figures 6A-6B wherein “Number of Calls” for incoming calls by day of week and time of day and figure 6C wherein “Number of Calls” received).

Regarding claim 4. Kay teaches usage pattern comprises at least telephone number of called party (see figure 3 and col. 5 lines 52-59).

Regarding claim 5. Kay teaches usage pattern comprises at least telephone number of calling party (see figure 3 and col. 5 lines 52-59).

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Regarding claim 6. Kay teaches wherein acquiring information concerning at least date and time made by customer (see figure 3 and col. 5 lines 52-59).

Regarding claim 7. Kay teaches wherein acquiring information concerning the calling party (see figure 3 and "caller ID" column 5).

Regarding claim 8. Kay teaches wherein acquiring information concerning the identity of a calling party terminating the telephone call before the call is answered (see col. 2 lines 36-57, col. 3 lines 9-18, figure 3, col. 5 lines 14-67).

Regarding claim 9. Kay teaches wherein acquiring at least total number of calls made during a calendar interval (col. 2 lines 45-57, see "Day of Week Results" figure 6A).

Regarding claim 10. Kay teaches wherein acquiring at least total number of calls made during a calendar interval (col. 2 lines 45-57, see "Day of Week Results" figure 6A).

Regarding claims 11 and 26. Kay does not explicitly show using billing information.

Kay does not explicitly show receiving a query from customer using a computer device whereby the customer uses the computer device to access usage pattern.

Jagadish 1 (i.e. 6,058,170) allows for online access to summary information (see last line of abstract) and the display information depends on the plans the customer subscribes and even provides "Snapshot" summaries which provide the current status of the customer's account including the number of minutes of calls that the customer

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has made during a particular plan (i.e. calls made between 5:00pm and 9:00am receive a 10% discount). Jagadish 1 further shows summary information based upon the number of call minutes since the last bill, total cost of the calls made on a particular day, or each day, during the billing period, the total cost of calls made to each of a given set of numbers, area codes, etc. Jagadish even discloses adjusting charges for past calls to reflect certain types of billing plans.

Jagadish 2 (i.e. 6,125,173) discloses using actual and exemplary customer information instead of only using exemplary as argued by Applicant's. Jagadish not only displays the price according to particular billing plan but also provides and exemplary summary information enabling the user to keep the current plan (see col. 6 lines 39-40 wherein \$3.15 has been saved by using current billing plan) or switch to a plan that offers better savings (see col. 6 lines 26-29 wherein user would have saved \$2.07 if the subscriber selected calling plan A).

Staskal teaches determining a communication time remaining to be displayed on a display of a device (abstract). Staskal teaches the service provider determines the communication time remaining and transmits the time remaining to the device for display and/or for alerting the user of some condition (paragraph 0022). The time remaining is displayed visually and may be displayed continuously or in response to a request by user (paragraph 0025).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the method and system as taught by Kay in view of Jagadish 1 and Jagadish 2 to notify the subscriber as taught by Staskal so that the

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customer may acquire communication time remaining on a continuous basis as taught by Staskal.

Regarding claims 12 and 27. Kay does not explicitly show acquiring information concerning unused minutes.

Jagadish 1 (i.e. 6,058,170) allows for online access to summary information (see last line of abstract) and the display information depends on the plans the customer subscribes and even provides "Snapshot" summaries which provide the current status of the customer's account including the number of minutes of calls that the customer has made during a particular plan (i.e. calls made between 5:00pm and 9:00am receive a 10% discount). Jagadish 1 further shows summary information based upon the number of call minutes since the last bill, total cost of the calls made on a particular day, or each day, during the billing period, the total cost of calls made to each of a given set of numbers, area codes, etc. Jagadish even discloses adjusting charges for past calls to reflect certain types of billing plans.

Jagadish 2 (i.e. 6,125,173) discloses using actual and exemplary customer information instead of only using exemplary as argued by Applicant's. Jagadish not only displays the price according to particular billing plan but also provides and exemplary summary information enabling the user to keep the current plan (see col. 6 lines 39-40 wherein \$3.15 has been saved by using current billing plan) or switch to a plan that offers better savings (see col. 6 lines 26-29 wherein user would have saved \$2.07 if the subscriber selected calling plan A).

Staskal teaches determining a communication time remaining to be displayed on a display of a device (abstract). Staskal teaches the service provider determines the communication time remaining and transmits the time remaining to the device for display and/or for alerting the user of some condition (paragraph 0022). The time remaining is displayed visually and may be displayed continuously or in response to a request by user (paragraph 0025).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the method and system as taught by Kay in view of Jagadish 1 and Jagadish 2 to notify the subscriber as taught by Staskal so that the customer may acquire communication time remaining on a continuous basis as taught by Staskal.

Regarding claims 13 and 28. Kay does not explicitly show verifying an identity of the customer.

The Examiner notes that verifying an identity of the customer, as defined in claims 13 and 28, is an obvious measure to one of ordinary skill in the art. Furthermore, Jagadish discloses "Online" access, which obviously includes "Online" security.

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the method and system as taught by Kay to use the "ONLINE" terminal as taught by Jagadish so that the customer may first be verified before allowing the customer to acquire summary information in real-time.

Regarding claim 16. Kay teaches using Advanced Intelligent Network and Integrated Service Control Point (col. 2 line 45 – col. 3 line 30).

Regarding claims 17 and 32. Kay does not show receiving a query from wireless customer.

Jagadish 1 (i.e. 6,058,170) allows for online access to summary information (see last line of abstract) and the display information depends on the plans the customer subscribes and even provides “Snapshot” summaries which provide the current status of the customer’s account including the number of minutes of calls that the customer has made during a particular plan (i.e. calls made between 5:00pm and 9:00am receive a 10% discount). Jagadish 1 further shows summary information based upon the number of call minutes since the last bill, total cost of the calls made on a particular day, or each day, during the billing period, the total cost of calls made to each of a given set of numbers, area codes, etc. Jagadish even discloses adjusting charges for past calls to reflect certain types of billing plans.

Jagadish 2 (i.e. 6,125,173) discloses using actual and exemplary customer information instead of only using exemplary as argued by Applicant’s. Jagadish not only displays the price according to particular billing plan but also provides and exemplary summary information enabling the user to keep the current plan (see col. 6 lines 39-40 wherein \$3.15 has been saved by using current billing plan) or switch to a plan that offers better savings (see col. 6 lines 26-29 wherein user would have saved \$2.07 if the subscriber selected calling plan A).

Staskal teaches determining a communication time remaining to be displayed on a display of a device (abstract). Staskal teaches the service provider determines the communication time remaining and transmits the time remaining to the device for display and/or for alerting the user of some condition (paragraph 0022). The time remaining is displayed visually and may be displayed continuously or in response to a request by user (paragraph 0025).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the method and system as taught by Kay in view of Jagadish 1 and Jagadish 2 to notify the subscriber as taught by Staskal so that the customer may acquire communication time remaining on a continuous basis as taught by Staskal.

Regarding claim 18. Kay teaches usage pattern comprises at least the number of calls received by the customer (see figures 6A-6B wherein "Number of Calls" for incoming calls by day of week and time of day and figure 6C wherein "Number of Calls" received).

Regarding claim 19. Kay teaches usage pattern comprises at least telephone number of called party (see figure 3 and col. 5 lines 52-59).

Regarding claim 20. Kay teaches usage pattern comprises at least telephone number of calling party (see figure 3 and col. 5 lines 52-59).

Regarding claim 21. Kay teaches wherein acquiring information concerning at least date and time made by customer (see figure 3 and col. 5 lines 52-59).

Regarding claim 22. Kay teaches wherein acquiring information concerning the calling party (see figure 3 and "caller ID" column 5).

Regarding claim 23. Kay teaches wherein acquiring information concerning the identity of a calling party terminating the telephone call before the call is answered (see col. 2 lines 36-57, col. 3 lines 9-18, figure 3, col. 5 lines 14-67).

Regarding claim 24. Kay teaches wherein acquiring at least total number of calls made during a calendar interval (col. 2 lines 45-57, see "Day of Week Results" figure 6A).

Regarding claim 25. Kay teaches wherein acquiring at least total number of calls made during a calendar interval (col. 2 lines 45-57, see "Day of Week Results" figure 6A).

Regarding claims 31 and 33. Kay does not show receiving a query from customer.

Jagadish 1 (i.e. 6,058,170) allows for online access to summary information (see last line of abstract) and the display information depends on the plans the customer subscribes and even provides "Snapshot" summaries which provide the current status of the customer's account including the number of minutes of calls that the customer has made during a particular plan (i.e. calls made between 5:00pm and 9:00am receive a 10% discount). Jagadish 1 further shows summary information based upon the number of call minutes since the last bill, total cost of the calls made on a particular day, or each day, during the billing period, the total cost of calls made to each of a given set

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of numbers, area codes, etc. Jagadish even discloses adjusting charges for past calls to reflect certain types of billing plans.

Jagadish 2 (i.e. 6,125,173) discloses using actual and exemplary customer information instead of only using exemplary as argued by Applicant's. Jagadish not only displays the price according to particular billing plan but also provides and exemplary summary information enabling the user to keep the current plan (see col. 6 lines 39-40 wherein \$3.15 has been saved by using current billing plan) or switch to a plan that offers better savings (see col. 6 lines 26-29 wherein user would have saved \$2.07 if the subscriber selected calling plan A).

Staskal teaches determining a communication time remaining to be displayed on a display of a device (abstract). Staskal teaches the service provider determines the communication time remaining and transmits the time remaining to the device for display and/or for alerting the user of some condition (paragraph 0022). The time remaining is displayed visually and may be displayed continuously or in response to a request by user (paragraph 0025).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the method and system as taught by Kay in view of Jagadish 1 and Jagadish 2 to notify the subscriber as taught by Staskal so that the customer may acquire communication time remaining on a continuous basis as taught by Staskal.

Allowable Subject Matter

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2. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments filed 7/22/2004 have been fully considered but they are not persuasive.

a) Regarding Applicant's remark starting at the bottom of page 2 and continuing to top of page 3 wherein Applicant's argue that Kay is only concerned with incoming calls verses Applicant's independent claim 1 concerning outgoing calls.

The Examiner disagrees. Kay discloses tracking information relating to both incoming and outgoing (abstract). Figure 3 clearly shows tracking both incoming and outgoing call numbers (col. 5 lines 52-59). Figures 6A-6C show how call number data may be broken down for "Day of Week Results", "Time of Day Results" and "Zip Code Results". In other words, Kay provides standard summary information.

b) Next, Applicant's generally argue that Jagadish '170 and Jagadish '173 do not process data about incoming calls (see lines 5-6 page 3, paper dated 7/22/2004).

The Examiner notes that Kay provides standard summary information generated periodically. Jagadish '170 not only cites Kay (see References Cited on Jagadish '170) but also provides information to customers before end of billing period so that customers can track or **reduce costs** (col. 1 lines 1-33). Jagadish is very clear in that billing information may be generated on demand (col. 1 lines 35-53) providing **current status** of customer's account (col. 3 line 29 – col. 4 line 61). Jagadish '173 further

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teaches using actual and exemplary customer information enabling customers the ability to keep current plans or switch to a plan that offers better savings (column 6).

Jagadish '173 discloses a variety of summary information (col. 3 line 66 – col. 4 line 32) including originating and destination numbers (i.e. incoming and/or outgoing).

c) Applicants argue that Staskal does not provide alerts about incoming calls (see lines 6-7, paper dated 7/22/2004).

The Examiner notes that Kay, Jagadish '170 and Jagadish '171 providing information relating to incoming and outgoing calls. Staskal discloses that service providers typically provide detail calling records with monthly invoice statements but users are not aware of communication time remaining at any particular time (abstract and paragraphs 0022 and 0025). Therefore, realizing that Kay in view of Jagadish fail to notify subscriber of time remaining, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the method and system as taught by Kay in view of Jagadish to notify the subscriber of not only the number of minutes of calls that were made (see Jagadish '173 col. 2 lines 61-62) to a particular billing plan but notify subscribers of total time remaining of a particular call plan as disclosed by Staskal enabling subscribers the ability to view current plan and current remaining minutes before deciding to make more calls.

d) In summation, Applicant's independent claims are still general in nature, in that usage pattern not clearly defined.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(2003/0008635) Ung et al teaches displaying remaining time at any convenient time (i.e. during the call process).

---(6,487,401) Suryanarayana et al teaches advice of charge using WEB.


---(6,493,547) Raith teaches visually displaying remaining minutes in a prepaid calling block wherein the user controls the presentation of unused time (col. 5 lines 6+).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600